



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,287	09/30/2003	Jeyhan Karaoguz	14794US02	5434
7590 Christopher C Winslade McAndrews Held & Malloy Ltd 500 Wes Madison St 34th Floor Chicago, IL 60661			EXAMINER RYAN, PATRICK A	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 08/22/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/675,287

Applicant(s)

KARAOGUZ ET AL.

Examiner

PATRICK A. RYAN

Art Unit

2623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 04 August 2008 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Scott Beliveau/
Supervisory Patent Examiner, Art Unit 2623

/P. A. R./
Examiner, Art Unit 2623

MISCELLANEOUS NOTE: APPLICANT IS ADVISED THAT THE EXAMINER OF RECORD FOR THIS APPLICATION HAS CHANGED.

Continuation of 11. Applicants Reply to Final Office Action of June 2, 2008 ("Reply") does NOT place the application in condition for allowance because:

Applicant presents that Novak (2002/0104099 A1) does not teach "organizing, at said first location, said located media and at least a portion of broadcast media and/or transferred media into channels", because "none of the data that is uploaded by the upload source 122 to the server or web site 124 includes any broadcast programming" and "such broadcast media is provided by the cable service provider over the cable network 134" (With reference to Reply Pages 11-12 and Novak Figs.1,4; paragraphs 0010, 0026, 0039, 0041, 0056, & 0057, as cited in Final Office Action Page 3). The Examiner respectfully disagrees.

The Examiner submits Applicant's Claim 1 requires that "broadcast media and/or transferred media" is provided for organization at the first location. Therefore, one of broadcast or transferred media is sufficient to meet the claimed limitation. Novak clearly teaches that transferred "personal media" is organized at the upload source 122 into a "synthetic channel" (Novak Fig. 4 Step 404, "create a schedule of programming" as described in Paragraph [0057]; with further reference to Interface 702 of Fig. 7, as described in Paragraph [0063]). Therefore the Examiner upholds the rejection applied to the cited portion of Claim 1 above.

Applicant also presents that Novak does not teach "transparently transferring from said first location, at least a portion of said organized channels to at least a second location within the communication network" because "at step 406, a token or electronic file is sent to the end user to subscribe the end user's terminal (set top box 152) to the synthetic channel" (With reference to Reply Pages 12-13 and Novak Figs.1,2,4,11; paragraphs 0041, 0058, 0059, 0085, & 0086, as cited in Final Office Action Page 3). Applicant cites Novak Paragraph [0058] "discloses that the individual (who uploads the media to server or web site 124) emails the token or other electronic file to the end user" and "Obviously, the user will be aware of such emailed token" (Reply Page 13). The Examiner respectfully disagrees.

The Examiner submits that Novak's token "may trigger an application (or the token itself can be an application) that causes the EPG 153 and/or the set top box to add the synthetic channel to the program listings" (Paragraph [0058]). Novak further teaches, regarding a token, that an application, such as a Java applet, is automatically downloaded and triggers an update of EPG 153 (as described in Paragraph [0080]). Therefore, the Examiner upholds the rejection applied to the cited portion of Claim 1 above.

PAR